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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,639	01/08/2002	Christopher R. Vincent	POU920010149US1	4287
23334	7590	12/30/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			GURSHMAN, GRIGORY	
		ART UNIT		PAPER NUMBER
		2132		
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/042,639	VINCENT, CHRISTOPHER R.
	Examiner Grigory Gurshman	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 September 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. The rejections of claims 19, 22, 25 under 35 USC § 101 have been overcome by Applicant's amendment. Accordingly, the rejections of the instant claims are withdrawn.
2. Applicant's amendment of the claims has necessitated the new grounds of rejection provided herein. Applicant's arguments are mute in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 6-11, 13, 14, 16-19, 21, 22, 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGarvey (US 2003/0028773 A1) in view of publication "Cryptography and Data Security" Chapter 24.4 published by Denning in June 1982 (hereinafter Denning).

5. Referring to the instant claims McGarvey discloses methods, systems and computer program products for secure delegation using public key authentication (see title). McGarvey teaches a middle-tier server which impersonates a client to a plurality of servers. A common nonce associated with each of the plurality of servers is obtained and the common nonce to the client. The common nonce signed by the client is

received at the middle-tier server and provided as a signature for transactions from the client to the plurality of servers so as to authenticate the client to the plurality of servers (see abstract and Fig. 1A).

6. Referring to the independent claims 1, 14, 17, 19, 25, the limitation "accepting a request for data from a client computer" is met by pre-nonce request (Fig. 1A). The limitation "transmitting from a central computer a partial response to the client computer, wherein the partial response comprises at least a nonce value..." is met by sending a nonce from the server 14 to client 10 (Fig. 1A). The limitation "the nonce value is digitally signed by the central computer and is used to authorize a limited number of accesses" is met by signed nonce (see Fig 1A and abstract). The signed nonce is sent from the remote computer to the middle-tier server, which meets the limitation of the instant claims, because client sends the signed nonce to receive a data from the server. The server 14 in Fig. 1 acts as a client and the remote computer (10) meets the server recited in the instant claims. Referring to the limited number of accesses, McGarvey teaches that the nonce contains a random number, which has an expiration period (see Fig. 7 block 730)

However, McGarvey, does not teach the direct access to data on remote computer without using the central computer. Referring to the instant claims, Denning provides a description of Kerberos system (see pages 3-5 and Fig. on page 3). Denning explicitly shows that the client accesses the data from the server without using the central computer after receiving the encrypted Kerberos ticket (i.e. nonce).

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the system of McGarvey using the signed nonces for accessing the data by the remote computer through the middle-tier server by adding the direct access functionality as taught in Denning. One of ordinary skill in the art would have been motivated to modify the system of McGarvey using the signed nonces for accessing the data by the remote computer through the middle-tier server by adding the direct access functionality as taught in Denning for authenticating the client to the data server (see page 5, "requesting a service")

7. Referring to the independent claims 4, 9, 22, the limitation "request contains a nonce value which has been digitally signed with a digital signature" is met by a common nonce signed by the client (see abstract and Fig. 1A). The limitation "verifying the nonce value, wherein the step of verifying the nonce value comprises the step of verifying the digital signature" is met by Fig. 7 depicting verification of the common nonce signature (block 710). The limitation "returning the data item if the nonce value is valid" is met by sending the data from servers 20-24 to the client (see Fig. 1A).

8. Referring to the independent claim 11, the limitation "a request message receiver for accepting a request for data from a client computer" is met by nonce processing unit 360 (in Fig. 3). The limitation "a partial response transmitter for transmitting a partial response to the client computer" is met by unit 356 (in Fig. 3).

9. Referring to claims 7 and 8, McGarvey teaches that nonce values are shared between client and the server, nonce being a common nonce. McGarvey also teaches storing the nonce values (see Fig. 3, block 364).

10. Referring to claims 3, 6, 13, 16, 21 and 24, McGarvey teaches that the nonce contains a random number, which has an expiration period (see Fig. 7, block 730).
11. Referring to claims 10, 18 and 26, McGarvey teaches that data and application programs are stored in the memory. Therefore, McGarvey inherently teaches that requests are made for data item and computing services.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2, 5, 12, 15, 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGarvey (US 2003/0028773 A1) in view of Denning and further in view of Lincoln (U.S. Patent No. 6,820,201 B1).

14. Referring to the instant claims McGarvey discloses methods, systems and computer program products for secure delegation using public key authentication (see title). McGarvey teaches a middle-tier server which impersonates a client to a plurality of servers. A common nonce associated with each of the plurality of servers is obtained and the common nonce to the client. The common nonce signed by the client is received at the middle-tier server and provided as a signature for transactions from the client to the plurality of servers so as to authenticate the client to the plurality of servers

(see abstract and Fig. 1A). Denning provides a description of Kerberos system (see pages 3-5 and Fig. on page 3). Denning explicitly shows that the client accesses the data form the server without using the central computer after receiving the encrypted Kerberos ticket (i.e. nonce). McGarvey and Denning, however, do not explicitly teach charging an entity upon use of the nonce.

15. Referring to the instant claims, Lincoln discloses a system using information-based indicia for securing and authenticating transactions (see abstract and Fig. 3a, b). The system of Lincoln includes one or more computers configured to receive as input a nonce number from the user's nonce stamp; to encrypt the nonce number; and to provide to the user a digital certificate including the encrypted nonce number, such that the nonce stamp and the digital certificate may collectively be presented as an information-based indicium to authenticate the desired transaction (see column 3, lines 18-27). In some applications the computers may not be configured to charge the user prior to providing the digital certificate, and instead the user may be charged (such as through a banking system) after the certificate/nonce stamp pair is negotiated (see column 3, lines 18-27). Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the system of McGarvey and Denning, which uses the common nonces transmitted between the client and the server, by charging the client upon use of the nonce value as taught in Lincoln. One of ordinary skill in the art would have been motivated to modify the system of McGarvey and Denning, which uses the common nonces transmitted between the client and the

server, by charging the client upon use of the nonce value as taught in Lincoln for charging the use per each transaction (see Lincoln, column 3, lines 18-27).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Grigory Gurshman  
Examiner  
Art Unit 2132

GG

THOMAS R. PEESO  
PRIMARY EXAMINER